

ORDINANCE NO. 2010.26

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE ABANDONMENT OF ALL EXISTING WATER LINE EASEMENTS LOCATED WITHIN LOT TWO OF "EMERALD PHASE II AND III" (8515 EAST EMERALD DRIVE)

WHEREAS, it has been determined that the Water Line Easements shown on the attached Exhibits, are no longer required by the City for use as such; and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon said water line easements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That the City of Tempe does hereby abandon, relinquish and vacate the existing Water Line Easements on Lot Two of "Emerald Phase II and III", a subdivision recorded in Book 885 of Maps Page 25, Official Records of the Maricopa County Recorder, such easements being legally described on Exhibit "A" and shown on "Exhibit "A-1" attached hereto. The owner of said Lot 2 shall replace said easements with new water line easements as part of the an approved re-plat of Emerald Phase II and III, which shall be recorded within 90 days after the adoption of this Ordinance.

Section 2. That all rights of the City of Tempe in the water line easements so abandoned, shall vest in the record owner(s) of the adjacent property, and shall be subject to the same encumbrances, liens, limitations, restrictions, estates as exist on the land of which the water lines and water line easements are a part.

Ordinance 2010.26

Page Two

Section 3. The Mayor or his designee is hereby authorized to execute any documents that may be necessary to implement this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,
ARIZONA this _____ day of August, 2010

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney